

File NR S3-30653
WR Doc ID 4998167

State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
October 13, 2011

WATER RIGHT NUMBER
S3-30653

MAILING ADDRESS
JASON GALBRAITH
13717 E SANSON AVENUE
SPOKANE WA 99114

SITE ADDRESS (IF DIFFERENT)
JASON GALBRAITH
2139 BLACK LAKE ROAD
COLVILLE WA 99214

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.02	CFS	0.25

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
In-house domestic supply and fire protection as needed	0.02		CFS	0.25		01/01 - 12/31

Source Limitations

SOURCE	A/S	DIVERSION RATE (CFS)	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
BLACK LAKE		0.02	0.25	01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
STEVENS	BLACK LAKE	COLVILLE RIVER	59-COLVILLE

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ	LATITUDE	LONGITUDE
BLACK LAKE	5614403	N/A	35N	41E	3	GL 12	48.56308° N	117.62745° W

Datum: WGS84

REPORT OF EXAMINATION

Place of Use (See Attached Map)**PARCELS (NOT LISTED FOR SERVICE AREAS)**

5614403

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

That part of the North 247.50 feet of the South 825.00 feet of (Government Lot 12), in Section 3, Township 35 North, Range 41 East W.M., in Stevens County, Washington, lying East of the centerline of Black Lake Road and Southerly of the following described line: Beginning at the intersection of the centerline of Black Lake Road and the South line of the North 147.50 feet for the South 825.00 of said Government Lot 12; thence North 89°41'46" East, along said South Line 107.25 feet, more or less, to a point hereinafter referred to as "Point A" which is 156.17 feet West of a survey monument located on the said South line and the shore of Black Lake; thence leaving said South line, North 22°24'46" East 44.42 feet; thence South 56°09'32" East 73.00 feet to a point on said South line of the North 147.50 feet of the South 825.00 feet of said Government Lot 12, which is located North 89°41'46" East 77.57 feet from the above described "Point A"; thence continuing South 56°09'32" East 58.00 feet, more or less, to a point of the shoreline of Deep Lake [Black Lake] and the end of this line description.

Proposed Works

¾ Grundfos pump, 1½ inch pvc pipe to cabin

Development Schedule**BEGIN PROJECT**

Started

COMPLETE PROJECT

Completed

PUT WATER TO FULL USE

In Full Use

Measurement of Water Use

How often must water use be measured?

Monthly

How often must data be reported to Ecology?

Upon Request by Ecology

What volume should be reported?

Total Annual Volume

What rate should be reported?

Annual Peak Rate of Withdrawal (cfs)

Provisions

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required.

The water quantities and uses recommended may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and actual amount of water put to beneficial use.

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Department of Fish and Wildlife Requirement(s)

The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. <http://wdfw.wa.gov/about/contact/>

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S3-30653, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this day of 2012.

 Keith L. Stoffel, Section Manager
 Water Resources Program

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

INVESTIGATOR'S REPORT

Water Right Control Number: S3-30653 GALBRAITH

WASHINGTON STATE - DEPARTMENT OF ECOLOGY

Water Resources Program – Eastern Regional Office

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30653.

Table 1 Summary of Requested Water Right

Applicant Name:	Jason Galbraith
Date of Application:	October 13, 2011
Place of Use	PARCEL # 5614403 That part of the North 247.50 feet of the South 825.00 feet of (Government Lot 12), in Section 3, Township 35 North, Range 41 East W.M., in Stevens County, Washington, lying East of the centerline of Black Lake Road and Southerly of the following described line: Beginning at the intersection of the centerline of Black Lake Road and the South line of the North 147.50 feet for the South 825.00 of said Government Lot 12; thence North 89°41'46" East, along said South Line 107.25 feet, more or less, to a point hereinafter referred to as "Point A" which is 156.17 feet West of a survey monument located on the said South line and the shore of Black Lake; thence leaving said South line, North 22°24'46" East 44.42 feet; thence South 56°09'32" East 73.00 feet to a point on said South line of the North 147.50 feet of the South 825.00 feet of said Government Lot 12, which is located North 89°41'46" East 77.57 feet from the above described "Point A"; thence continuing South 56°09'32" East 58.00 feet, more or less, to a point of the shoreline of Deep Lake [Black Lake] and the end of this line description.

County	Waterbody	Tributary To	WRIA
Stevens	Black Lake	Colville River	59-Colville

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Domestic single	0.01	CFS	0.25	01/01	12/31
Fire protection	0.01	CFS	---	01/01	12/31
TOTAL	0.02	CFS	0.25		

Source Name	Parcel	Twp	Rng	Sec	QQ	Latitude	Longitude
Black Lake	5614403	35N	41E	03	GL 12	48.56308° N	117.62745° W

DATUM: WGS 84

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Statesman Examiner on November 2 and 9, 2011.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

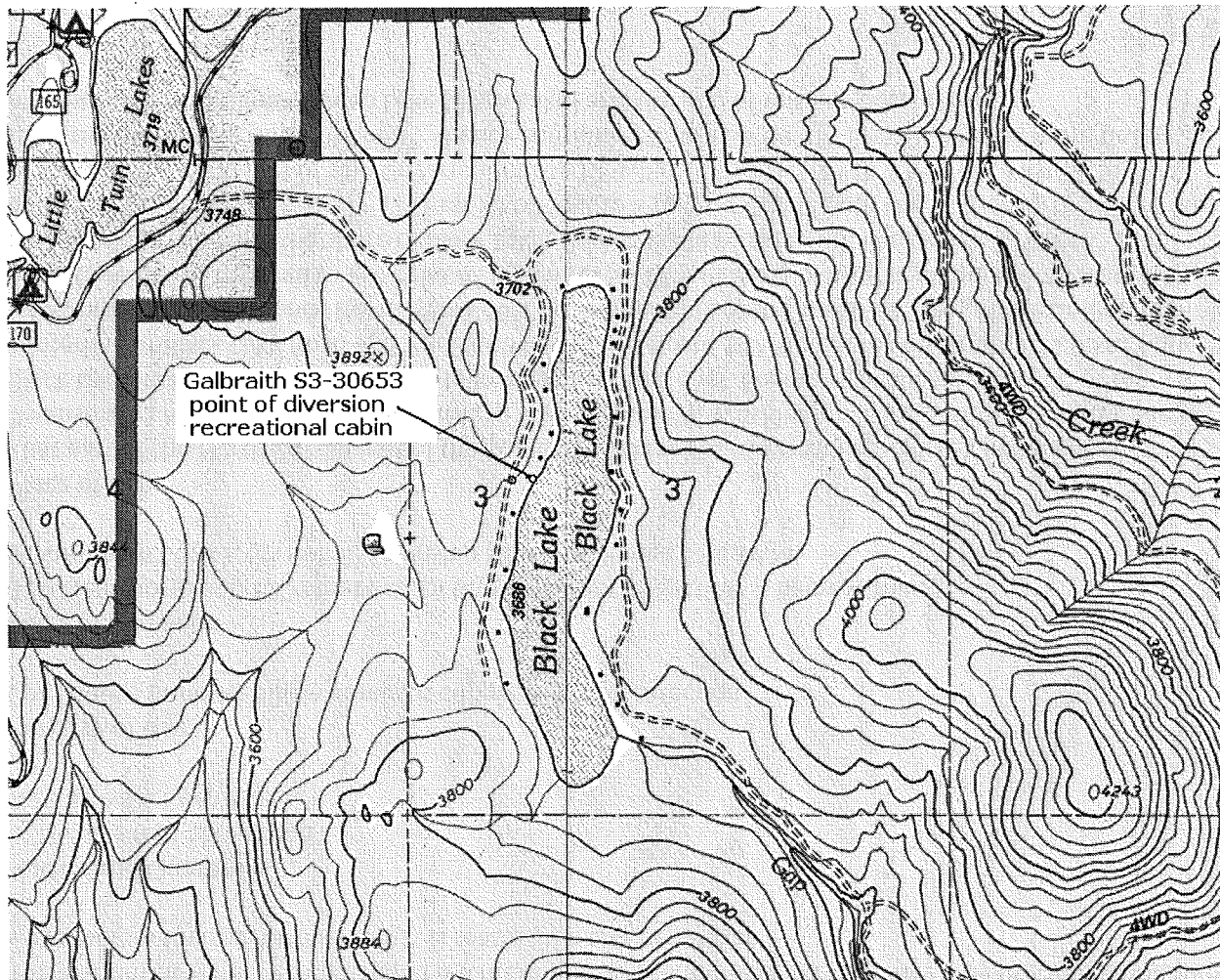
INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to, research and review of: (1) appropriate rules and statutes; (2) other water rights, claims, and applications in the vicinity; (3) USGS topographic maps; and (4) discussions with Department of Ecology regional program staff.

A field investigation was conducted by Gene Drury on January 10, 2012. Black Lake is located in the mountains about ten miles east of Colville, Washington.

BACKGROUND

An application to appropriate public surface water was submitted by Jason Galbraith to the Department of Ecology on October 13, 2011. The application was accepted and assigned Surface Water Application No. S3-30653. The applicant proposes to divert water from Black Lake in the amount of 0.02 cubic foot per second for continuous in-house single domestic supply and fire protection as needed. The proposed point of diversion is to be located within a portion of Government Lot 12, within the W $\frac{1}{2}$ of Section 3, T. 35 N., R. 41 E.W.M.



It was noted that the project had been completed with a recreational cabin on site. A small pump house was constructed with 1½" PVC pipe running to the pump house. The applicant uses water from Black Lake for in-house single domestic supply at the cabin. Photos of the installed water system were provided by Mr. Galbraith.

The application also listed fire protection as a proposed water use. In the event of a fire, water can be used for fire suppression. Watering or irrigating of natural areas, buffer areas or plants is considered fire prevention and is not authorized.

The applicant has been diverting water from Black Lake for many years. According to the *"Lakes of Washington, Volume 2 of Eastern Washington"*, the volume of Black Lake is approximately 1890 acre-feet. Based on this fact and the minimal amount of water to be permitted for in-house domestic use under this application, it appears that water is available for appropriation.

The Colville River basin is managed under WAC 173-559. Black Lake flows into Gap Creek and into the Little Pend Oreille River. The Little Pend Oreille River and its tributaries are closed to further consumptive appropriations between June 1 to October 31, except that applications for single in-house domestic use may be approved if no alternate source of water supply is available and the proposed use will not impair existing rights.

Attempts have been made around the lake to construct ground water wells. These efforts have not been successful in many areas. There are no domestic water systems available to serve these lots. This proposed application is intended for in-house domestic supply for recreational use. It is likely the annual use may not exceed 0.1 acre-foot per year. However, metering data will be reviewed and a water right will be issued based on actual water use.

Conclusion

It is the conclusion of this examiner that: (1) public surface water is available for appropriation for 0.02 cubic foot per second, 0.25 acre-foot per year, continuously, for in-house single domestic supply (recreational use) and fire protection, (2) the water uses are beneficial uses, and the appropriation, (3) will not impair existing water rights, (4) nor will it be detrimental to the public welfare.

RECOMMENDATIONS

It is recommended that this application be **APPROVED** for 0.02 cubic foot per second, 0.25 acre-foot per year, continuously, for in-house single domestic supply (recreational use). In the event of a fire, water may be used for fire suppression.

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

Authorized Quantities

0.02 cubic feet per second

0.25 acre-feet per year

Purpose of Use

Continuous In-house single domestic supply and fire protection

Point of Diversion

3200 feet North and 1200 feet east of the SW corner of Section 3, being within Government Lot 12, Section 3, Township 35 North, Range 41 E.W.M.

Place of Use

That part of the North 247.50 feet of the South 825.00 feet of (Government Lot 12), in Section 3, Township 35 North, Range 41 East W.M., in Stevens County, Washington, lying East of the centerline of Black Lake Road and Southerly of the following described line: Beginning at the intersection of the centerline of Black Lake Road and the South line of the North 147.50 feet for the South 825.00 of said Government Lot 12; thence North 89°41'46" East, along said South Line 107.25 feet, more or less, to a point hereinafter referred to as "Point A" which is 156.17 feet West of a survey monument located on the said South line and the shore of Black Lake; thence leaving said South line, North 22°24'46" East 44.42 feet; thence South 56°09'32" East 73.00 feet to a point on said South line of the North 147.50 feet of the South 825.00 feet of said Government Lot 12, which is located North 89°41'46" East 77.57 feet from the above described "Point A"; thence continuing South 56°09'32" East 58.00 feet, more or less, to a point of the shoreline of Deep Lake [Black Lake] and the end of this line description.

Gene Drury, Report Writer

Date

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.